

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**  
NORTH CENTRAL REGION  
1701 NIMBUS ROAD  
RANCHO CORDOVA, CA 95670



AMENDMENT NO. 2  
(A Minor Amendment)  
California Endangered Species Act  
Incidental Take Permit No. 2081-2018-057-02-A2  
Rancho Seco Solar II, LLC  
Rancho Seco Solar II Project in Sacramento County

## INTRODUCTION

On August 6, 2019, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2018-057-02 (ITP) to Rancho Seco Solar II, LLC (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (collectively, the Covered Species) associated with and incidental to the Rancho Seco Solar II Project in Sacramento, California (Project). The Project as described in the ITP as originally issued by CDFW includes construction of a new solar array and subsequent operation of the solar facility. On December 28, 2020, CDFW issued its first minor amendment to the ITP. The first minor amendment updated the Permittee's principal officer, updated the Project Description to be consistent with the final plan sets, and reevaluated the Project's mitigation requirements considering efforts to decrease the Project's impact on the Covered Species. In issuing the ITP and its subsequent amendment, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP and its amendment would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP and its amendment would not jeopardize the continued existence of the Covered Species.

The construction of the solar array portion of the Project, as described in ITP amendment #1, has been completed. As such, the Permittee is transitioning the site into long-term operations and fulfilling the mitigation obligations described in the amended ITP. Completion of the construction and ongoing work on the mitigation has prompted the need for further refinement of the amended ITP to facilitate operations and completion of the mitigation obligations. While Project activities are the same as those in the amended ITP, the Permittee has requested the amended ITP have an: 1) updated Project Description, 2) a refinement of the Project's mitigation requirement considering efforts to decrease the Project's impact on the Covered Species, and 3) an updated mitigation timeframe to accommodate logistical complexities.

This Minor Amendment No. 2 (Amendment) makes the following changes to the existing ITP:

1. Updating the Project Description
2. Updating the Project's mitigation

### 3. Updating the timing for the Project's mitigation

#### AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

1. The ITP Project Description for Vegetation Control, page 7 shall be amended to read:

#### **Vegetation Control**

Vegetation will be managed to maintain habitat for the Covered Species and minimize fire risks. This will be accomplished through a combination of manual equipment (mowing), herbicide applications (within 30 feet of the inverter stations), and sheep grazing, if feasible. Onsite vegetation would be regularly mowed or grazed as part of operations and management, but no earth disturbance would be employed for vegetation management. Onsite mowing would occur 1-2 times per year if a grazing method is not employed. In addition to mowing, sheep grazing, weed whacking, or hand pulling will be used to manage vegetation growth, and control invasive species. Mowing is anticipated to be timed later in the season when rains have likely stopped.

Vegetation control includes using a commercial grade mower to mow across the site between and underneath solar panel rows. No chemical herbicides or pesticides will be used in the array field, nor is activity beyond mowing anticipated. Chemical herbicides may be used in a 30-foot radius around inverter pads and ***within a 3-to-6-foot radius around combiner boxes located throughout the Project area, specifically at the end of each or every other solar array aisle. Herbicide application would occur annually and become part of regular operation and maintenance activities at the Project site.*** The Permittee will use an herbicide that has been shown to be less toxic to amphibians, such as 2, 4 D (cited from USFWS BO 08ESMF00-2017-F-0044). Roundup will not be used on the Project site.

2. In the first minor amendment to the ITP, final design plans were incorporated into the Project description, which resulted in a decrease in the Project's impacts to the Covered Species' habitat. The Project's permanent loss was reduced from 50.31 to 37.363 acres of habitat, Long-term habitat modification was reduced from 451.40 to 412.811 acres of habitat, and temporary loss was reduced from 12.73 to 11.698 acres of habitat. Per request of the Permittee, the mitigation acreage should be reevaluated to reflect the final design. As such the final mitigation obligation will be 949.409 acres, to be comprised of a 733.409-acre credit purchase from a CDFW-

approved mitigation bank and a 216-acre Habitat Mitigation Land Acquisition (HMLA) to be approved by CDFW. **Table 1** shows the changes to the impacts and associated mitigation. **Table 2** shows the mitigation strategy for the project.

**Table 1. Impacts and Mitigation**

<u>Impact Type</u>	<u>ITP Impacts</u>	<u>Amendment 1 Revised Project Impacts</u>	<u>ITP Mitigation</u>	<u>Amendment 1 Revised Mitigation</u>	<u>Amendment 2 Revised Mitigation</u>
Permanent	50.310	37.363	150.930	112.089	112.089
Long-Term Habitat Modification	451.400	412.811	902.800	877.335	825.622
Temporary	12.730	11.698	12.730	11.698	11.698
<b>Total</b>	<b>514.440</b>	<b>461.872</b>	<b>1066.46</b>	<b>1001.923</b>	<b>949.409</b>

**Table 2. Mitigation Detail**

<u>Mitigation Type</u>	<u>ITP Requirement</u>	<u>Amendment 1 Revised Mitigation</u>	<u>Amendment 2 Revised Mitigation</u>
Credit Purchase	852.460	787.923	733.409
HMLA	214.000	214.000	216.000
<b>Total</b>	<b>1066.460</b>	<b>1001.923</b>	<b>949.409</b>

As a result, Condition of Approval 9.3.3 shall be amended to read:

To meet this requirement, the Permittee shall either secure or purchase ~~787.923~~ **733.409** acres of Covered Species credits from a CDFW-approved mitigation bank, conservation bank, or the South Sacramento Habitat Conservation Plan (Condition of Approval 9.3) AND shall provide for both the permanent protection and management of ~~214~~ **216** acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.4 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.5 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or ~~within 18 months of the effective date of this ITP~~ **by close of business on December 31, 2021** if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

9.3.3. Covered Species Credits. Permittee shall secure or purchase ~~787.923~~ **733.409** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than ~~18 months from the issuance of this ITP~~ **close of business on December 31, 2021** if Security is provided pursuant to Condition of Approval 10 below.

3. The ITP, Condition of Approval 10.7, page 26 shall be amended to read:

Even if Security is provided, the Permittee must complete the required acquisition,

protection and transfer of all HM lands and record any required conservation easements ~~no later than 18 months from the start of Covered Activities within each Phase~~ **prior to close of business on December 31, 2021**. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Discussion: This Amendment makes three (3) specific changes to the ITP as amended on December 18, 2020. The Project Description, mitigation acreage, and mitigation timing will be updated.

CDFW has determined that Project description and conditions of approval will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including updates to the Project Description will not increase impacts to the Covered Species.

*Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).*

Discussion: CDFW determined in August 2019 and in December 2020 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: 1) will reflect a decrease in Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee's continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP's Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.*

Discussion: CDFW issued the ITP in August 2019 and the amended ITP in December 2020 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) After, among other things, considering the environmental impact report certified by the Sacramento Municipal Utility District

(SMUD) as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by SMUD during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).*

Discussion: This Amendment updates the Project description based on completed construction and current status of the mitigation obligation. The final design has resulted in an overall decrease of impacts to the Covered Species and its habitat, which has resulted in a subsequent decrease to the mitigation obligation for the Project. These changes to the ITP will not: (1) increase the level of take or other Project impacts on the Covered Species previously analyzed and authorized by the ITP, (2) significantly affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporary impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

Department of Fish and Wildlife  
Habitat Conservation Planning Branch  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, CA 94244-2090

Or by email to R2CESA at [Wildlife.ca.gov](mailto:Wildlife.ca.gov)  
or both

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Rancho Seco Solar II Project

**APPROVED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 6/9/2021

Kevin Thomas  
DocuSigned by:  
*Kevin Thomas*  
A270A9C57AC3445...  
Kevin Thomas  
Regional Manager  
North Central Region

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of the original ITP and this Amendment, and (3) agrees on behalf of the Permittee to comply with all terms and conditions of the ITP as amended.

By: DocuSigned by:  
*Chris Clevenger*  
49193422D75A437...

Date: 6/16/2021

Printed Name: Chris Clevenger

Title: COO

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